

At An Audit Meeting / Work Session
Of the Town Board of the Town of Newburgh held
At 1496 Route 300 in said township at 7:00 P.M.
On the 14th day of January, 2004

Roll Call: Wayne C. Booth, Supervisor
George A. Woolsey, Sr., Councilman
Derek N. Benedict, Councilman
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

Also Present: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk

1. Pledge of Allegiance to the Flag led by Patrick Berardinelli, County Legislator

2. Additional Items For Discussion From Board Members
10. Lincoln Day Dinner

3. Approval of Audit

MOTION was made by Councilman Benedict to approve the Audit as presented in the amount of \$341,269.47, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

4. Discussion With Orange County Legislators

Re: Sales Tax Increase

County Legislators Patrick Berardinelli, Leigh Benton and Tony Marino joined us to explain the way the County tax increase will affect us. The amount we receive is based on the last census. The City of Newburgh gets more because they have a contract with the County as does two other cities which are Middletown and Port Jervis. The contracts go every ten years with the census. The County then decides who the rest of the money goes to. The cities are their own taxing authority. The next contract needs to be negotiated in four years and whoever negotiates needs to put in all the factors. The largest generator of sales tax in the County is Woodbury, because of the Commons. The generate about \$450,000,000.00 a year and only get \$828,000.00. They are very unhappy about that. They feel they are responsible for raising all the tax. Any municipality that decides to drop out is a benefit to the County. This same question came up at the Mayors / Supervisor meetings and they are very happy with what they will receive now and what they will receive in the future. If this doesn't get passed, then it will cost the County more money in the long run and everyone will get less. Mr. Benton wanted to clarify a statement made by Mr. Manley about how much more can the taxpayers take from the mandates the State and County hand out? Mr. Manley is half right. The State and Federal government mandate the programs, they tell the County what the cost is and we have to figure out how to pay the bills. The proposed increase is $\frac{3}{4}$ % which brings it up to 8 $\frac{1}{4}$ %. See the attached handout from the County. The question came up about the Town pursuing the Hotel / Motel tax and if this would have an impact on the Town if they supported the tax increase? They are two different matters and will not have bearing on the Town. The legislators don't feel the Town should pursue this on their own but to be part of the County's proposal, which is in the future. Supervisor Booth asked Mark Taylor, Attorney for the Town, to have the Resolution ready for Tuesday nights meeting so they can vote on it.

5. Engineering:

a. Drury Heights & Exeter Subdivisions: Emergency Access & Utilities

This will be on the agenda for January 28, 2004 and Jim Osborne, Town Engineer will have a memo about the utilities in each Councilman's box before then. This is tabled until then.

b. Unity Place Lot Line Change

Vincent Doce, a Land Use and Development Consultant came forward to explain this item. The reason for this lot line change is because the Town is interested in getting Auto Park Place and Unity Place dedicated to the Town so that there will be a thru access to Old Little Britain Road. When the previous work was done years ago at the existing Auto Park Place, someone constructed the curb and water hydrant so that it interfered with what would be a dedicated road. The lot line change is needed so the fire hydrant, water hydrant and curb would be placed to allow for the dedication. This way the Town would get the curb and hydrants. The Planning Board needs a determination from the Town Board so this can go forward. Jim Osborne, Town Engineer, explained that for some reason when the actual construction of Auto Park Place took place, when it was a private road, a small portion of the curbing, road pavement and the hydrants ended outside of the roadway. This change will extend the boundary line a little. When we accept the road all the facilities are in the right of way.

MOTION was made by Councilman Woolsey to authorize Mr. Zarutskie, Town Clerk, to send a memo to the Planning Board advising them that the Town Board concurs with the Town Engineer's recommendation of the lot line change for Unity Place, Map Dec. 3, 2003, with a Map Revision of Jan. 12, 2004 with a memo from Jim Osborne, Town Engineer to follow with reference to the Map dates, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

c. Greak Subdivision: Three Lots on a Common Drive

Mr. Greak's representative, Ron Hughes, met with the Town Engineer, Jim Osborne, on this. They looked at the property and in Jim's opinion the properties are sub dividable. A road should be created to accommodate all three properties, so Mr. Greak can have access to his home and driveway. There is a 50 foot right-of way to do so according to the Town's Private Road Specs. Jim explained that they discovered that on the original Travis subdivision there were notes. Mark Taylor, Attorney for the Town, explained that as a condition of the subdivision that created the Morris lot and the other lot, neither lot can be further sub-divided without the construction of a private or town road. When we previously met, the applicant consulted Mr. Morris as whether he would agree not to further sub-divide, by filing a deed restriction. There was a prevision that the Morris lot and the Travis lot could not be further sub-divided without the construction of a Private or Town Road. We now have this condition that the Planning Board approved on the file plat in Orange County that was picked up by the title company, stating Mr. Morris' lot can not be further sub-divided. This is a mute point for the Town Board. No action needs to taken if the applicant is willing to build a private road. A waiver is not needed if the private road to the point where the one lot breaks off which would be the Morris driveway, then three lots would be accessed off a private road. The two back lots, the Travis lot, which is being farmed and the Greak lot which is being built for residential purposes, would then be considered a legitimate common driveway. The Town Board does not have a problem with the way this is being presented, so they can go ahead with the Planning Board. They need to show the Planning Board where the driveway comes in, where the road ends and where the turn-around is.

d. Hickory Shadow / Rocky Heights Subdivision: Road Abandonment

Stanley Schutzman, Counsel from Hankin, Hanig, Caplicki & Curtin, LLP, Larry Cosman and Hamilton Staples are here to explain this item. We would to relocate a portion of Merritt Lane and abandon the section that is relocated. There is a minor sub-division called Rocky Heights which has four lots that are fronted on Merritt Lane and Hickory Shadow sub-division, which is south of Merritt Lane and consists of four lots. When both sub-divisions were created, the Planning Board requested that we would take Merritt Lane and reroute up to Greiner Road. The abandonment of the road reverts back to the land owners. We had originally

submitted this to the Planning Board but they referred us back to the Town Board because of the abandonment. There are three homes under construction, with two homes already existing. Mr. Pascale is another owner involved and he is in agreement with having the road realigned. There is a building on the property where the alignment will take place but most of it will be demolished. To simplify this whole concept, Mr. Staples explained that one side of the road is Hickory Shadow and Hickory Shadow could support itself. It could not be subject to the improvements and realignment. Hickory Shadow is the total south side of Merritt Lane. That sub-division could stand by itself, with the new road to the cul-de-sac. Rocky Heights sub-division and possibly a proposed sub-division on the lower parcel, to the east, that is where the improvement of the existing Merritt Lane and the abandonment, comes into play. At the very least, Mr. Staples would withhold the Rocky Heights, but he would like to go back to the Planning Board with everything. At the time of abandonment we need to have the approval of the Highway Superintendent, the Town Board, the County Superintendent and letters from the landowners Mr. Cosman and Mr. Pascale.

MOTION was made by Councilman Manley to approve the concept, with the plans being sent to the Traffic Advisory Board for review and any recommendations they have to report back to the Town Board and Mr. Osborne, Town Engineer, to converse with the Planning Board Chairman, that the Town Board is in agreement with the concept of the realignment and abandonment, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

e. Anchorage on Hudson: Performance Security Reduction

Postpone at this time.

f. Scotch Pines Associates: Set Performance Security

This is a request from Jim Osborne, Town Engineer, to set the performance security for the extension of Willet's Way at \$60,300.00. This is for a 340 foot parcel. This was sold by separate developers of Willet's Way.

MOTION was made by Councilman Piaquadio to set the performance security for the extension of Willet's Way at \$60,300.00, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

6. Sewer:

a. Adjustment in Sewer Bill, 71 Stewart Ave.

We are going to table this for now, so we can do some research to see if we have ever given this adjustment before. See attached letter from Elizabeth Greene, Receiver of Taxes, against any adjustment.

b. Sewer Exemption: Auto Spa

This is a request from Jim Raab, Doce Associates, for a holding tank for Auto Spa on 17K adjacent to the Clarion (Holiday Inn). This is due to the size of the property. The applicant is willing to meet the same conditions as any other holding tank. They are proposing a 12,000 gallon tank to meet the normal domestic flow and they are proposing a 4000 gallon holding tank for the water that gets used by the car wash. There would be 400 gallons going into the holding tank per day with a 10 day storage. There are four 1500 gallon tanks that are there for the water that is used by the car wash and is recycled. 95% of the used water is recycled. An agreement needs to be executed. This is holding tank number 6 or 7.

MOTION was made by Councilman Piaquadio to approve the proposed holding tank, subject to the owners' execution of a sewer connection waiver agreement in the form previously approved by the Town Board and a memo from Jim Osborne, Town Engineer, with his agreement in this matter, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – nay; Mr. Manley – nay; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 3-2.

7. Recreation: Proposal For Service for SEQR Full Environmental Assessment

This is a proposal from Anthony Kotz to do the SEQR Full Environmental Assessment in the amount of \$1900.00. Mr. Kotz can have the form completed within thirty days. We could go out and get quotes from other companies but Supervisor Booth feels Mr. Kotz already knows the project and has most of the information already. The quotes could be considerably higher than what we have already and take too long. The Board is in agreement that this needs to go forward. MOTION was made by Councilman Manley to accept the proposal from Anthony Kotz to complete the SEQR Full Environmental Assessment in the amount of \$1900.00 to be completed within thirty days after authorization from the Town Board, seconded by Councilman Benedict.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

8. Ethics: Disclosure Form

Supervisor Booth explained that Mr. Zarutskie, Town Clerk, prepared this form for us to review. He compared several disclosure forms from the City of Newburgh, Town of New Windsor and the State of New York and most of the verbage came from our own Code book. All the members of the Ethics Board has been notified and any questions they had were answered and approved the form. Councilman Woolsey would like the adopted date on the bottom of the form.

MOTION was made by Councilman Manley to formally adopt the new Town of Newburgh Ethics Disclosure Form as presented by Mr. Zarutskie, Town Clerk, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

9. Traffic Advisory Committee

George Woolsey was asked to explain what the committee has come up with. Stop signs - see memo from Jim Osborne, Town Engineer / Darrell Benedict, Highway Superintendent, Meadow Hill. This is only one development. First we should do is get the developers to pay and install these signs. Then we need to gather all the problem areas (as many as 10 at a time) and bi-yearly have a public hearing, show the public where these signs should go and then we can install a Local Law. Councilman Woolsey thinks it is a requirement with the Planning Board that signage is part of the developers plan. We have not heard from our traffic officer about any potentially hazardous areas as of yet.

Another problem that came up was no left turn onto Union Ave. We need to make it a no left turn there because traffic backs up. This will make people go to the light to make the left or we can make Union Ave. a one way street. In discussing this, instead of having a one way street on Union Ave., we could ask the State if they would put a sign on Rte. 300- NO LEFT TURN.

Other one way street, could be Old South Plank Rd. by Orange Lake, and also Noel Drive off of Chestnut Lane.

Weight limit on Town roads needs to be addressed.

No turn from Plattekill Turnpike in front of Gardnertown School. We would like to close off the road completely. This would have to be brought up to the State. We would also need the school to close off the parking lot going onto 300.

Councilman Piaquadio also mentioned that the guardrail at the 52 / Thruway overpass is not there since they did the construction. We need to call the DOT and ask them to replace it because it is an accident waiting to happen.

10. Lincoln Day Dinner

Councilman Woolsey asked the Council to chip in for a political ad. Mr. Zarutskie, Town Clerk, said Mrs. Elizabeth Greene, Receiver of Taxes, is coordinating this for the Town Officials. Mr. Zarutskie already gave his share of \$15.00.

Adjournment

MOTION was made by Councilman Benedict to adjourn the Audit / Work Session meeting of January 14, 2004 at 9:36 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – aye; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 5-0.

Andrew J. Zarutskie, Town Clerk

by

Charlene M. Black, Deputy Town Clerk